

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13511, of H.D. Bagley, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the lot area requirements (Sub-section 3301.1) to construct a flat in an R-4 District at the premises 1301 Potomac Avenue, S.E., (Square 1046, Lot 135).

HEARING DATE: July 15, 1981
DECISION DATE: September 2, 1981

FINDINGS OF FACT:

1. The subject property is located in an R-4 District at the southeast corner of the intersection of Potomac Avenue and 13th Street, S.E.
2. The subject property is irregular in shape. It has 42.22 feet of frontage on 13th Street and 21.5 feet of frontage on Potomac Avenue.
3. The subject property is vacant.
4. The applicant proposes to construct a flat on the property. The R-4 District requires a minimum lot area of 1,800 square feet for a flat. The subject property contains 1,539 square feet. A variance of 261 square feet is thus required. The subject property was subdivided prior to the adoption of the present Zoning Regulations.
5. The proposed building would measure approximately twenty feet wide by twenty-nine feet deep. It would contain two stories and a basement. There would be one unit in the basement, with access from the 13th Street side of the lot, and one unit on the first and second floors, with access from both street sides of the property. The basement unit would contain a living room, kitchen, bathroom and one bedroom. The upper unit would have a living room, dining room, kitchen and powder room on the first floor and three bedrooms and a bathroom on the second floor. Each unit would have a fireplace, washer/dryer combination, dishwasher and refrigerator.
6. There would be one off-street parking space located in the rear yard with access from a driveway from 13th Street.

7. The area is developed primarily with row dwellings on lots of smaller size than the subject property. The site is bounded on both sides by existing improved lots.

8. No building can be constructed on the property without the granting of the requested variance.

9. The Planning and Zoning Committee of Advisory Neighborhood Commission - 6B supported the application. There was no report from the ANC itself.

10. The Capitol Hill Restoration Society, by letter received on July 14, 1981, supported the requested variance. The Society reported that the subject lot is larger than many of the existing improved lots in the area. There is neighborhood support for the construction of a house on the lot since unused lots constitute a neighborhood nuisance.

11. There was no opposition to the application.

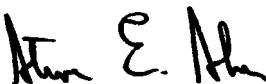
CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the requested variance is an area variance, the granting of which requires the showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board concludes that the size of the property is exceptional related to the requirements of the regulations. The Board notes that the lot was created prior to the imposition of the 1800 square foot requirement. The Board concludes that strict application of the regulations would create a practical difficulty for the owner in that no building could be constructed on the site and no use of the property could be made. The Board concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Maps. It is therefore ORDERED that the application is GRANTED, in accordance with the revised plans marked as Exhibit No. 19 of the record.

VOTE: 5-0 (Charles R. Norris, Douglas J. Patton, Connie Fortune, William F. McIntosh and Lindsley Williams to GRANT).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____



STEVEN E. SHER
Executive Director

BZA APPLICATION NO. 13511
PAGE 3

FINAL DATE OF ORDER: 5 OCT 1981

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.